

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:13-cv-554-FDW  
(3:89-cr-46-FDW-DSC)**

**RUSSELL BRICE HINSON,** )  
 )  
 **Petitioner,** )  
 )  
 **v.** )  
 )  
 **UNITED STATES OF AMERICA,** )  
 )  
 **Respondent.** )  
 \_\_\_\_\_ )


**ORDER**

**THIS MATTER** is before the Court on consideration of Petitioner's motion for a certificate of appealability. On October 11, 2013, this Court entered an Order dismissing Petitioner's motion to vacate, set aside or correct sentence which was filed pursuant to 28 U.S.C. § 2255. In this Order the Court expressly declined to issue a certificate of appealability. Nevertheless, Petitioner filed his motion for a certificate of appealability and a notice of appeal to the United States Court of Appeals for the Fourth Circuit.

On February 26, 2014, the Fourth Circuit entered an Order dismissing Petitioner's appeal and declined to issue a certificate of appealability and on April 21, 2014, the Court entered its mandate. Based on the foregoing, the Court will deny Petitioner's motion for a certificate of appealability.

**IT IS, THEREFORE, ORDERED** that Petitioner's motion for a certificate of appealability is **DENIED**. (Doc. No. 4).

Signed: April 24, 2014

  
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Frank D. Whitney  
Chief United States District Judge

